

- All communications respecting this case should identify it by number and names of parties.



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BOARD OF PATENT APPEALS
AND INTERFERENCES

Applicant: Higuchi
Serial No.: 07/695,201
Filed: 05/02/91
For: HOMOGENEOUS METHODS FOR
NUCLEIC ACID AMPLIFICATION AND
DETECTION
Accorded Benefit of: None

The case referred to above has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with other cases hereafter specified. Attention is directed to the fact that this interference is declared pursuant to 37 CFR 1.601 et seq., effective February 11, 1985 (49 F.R. 48416; 1050 O.G. 385). The interference is designated as No. 103,489

By direction of the Commissioner of Patents and Trademarks and as required by 35 USC 135(c), notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference."

The cases involved in this interference are:

Junior Party

Applicant: Russell G. Higuchi
Address: 552 Melrose Ave., San Francisco, CA 94177
Serial No.: 07/695,201 filed 05/02/91
For: HOMOGENEOUS METHODS FOR NUCLEIC ACID AMPLIFICATION
AND DETECTION
Assignees: None
Attorneys of Record: Gregory J. Giotto, Philip L. McGarrigle,
Kevin R. Kaster and Stacey R. Sias
Associate Attorney: George M. Gould
Accorded Benefit of: None
Address: Stacey R. Sias
Hoffmann-La Roche Inc.
340 Kingsland Street
Nutley, NJ 07110

Senior Party

Applicant: Yasutami Mitoma
Address: 4-26-5, Shonandai, Fujisawa-Shi, Kanagawa 252
Japan
Serial No.: 08/169,752 filed 12/20/93
For: METHOD FOR DETECTING OR QUANTIFYING TARGET NUCLEIC
ACID

Assignees: None

Attorneys of Record: Norman F. Oblon, Marvin J. Spivak, C. Irvin McClelland, Gregory J. Maier, Arthur I. Neustadt, Robert C. Miller, Richard D. Kelly, James D. Hamilton, Eckhard H. Kuesters, Robert T. Pous, Charles L. Gholz, Vincent J. Sunderdick, William E. Beaumont, Steven B. Kelber, Stuart D. Dwork, Robert F. Gnuse, Jean-Paul Lavalleye, William B. Walker, Timothy R. Schwartz, Stephen G. Baxter, Gilberto M. Villacorta and John H.O. Clarke

Associate Attorney: None

Accorded Benefit of: U.S. Serial No. 07/784,888 filed 10/30/91 and Japanese Application 294305/90 filed 10/31/90

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Oblon, Spivak, McClelland,
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Count 1

A method for detecting a target nucleic acid in a sample, comprising the steps of:

amplifying a region of said target nucleic acid by polymerase chain reaction method in the presence of a fluorescent pigment whose fluorescence intensity is increased upon intercalation into a double-stranded nucleic acid; and

measuring the fluorescence intensity of said fluorescent pigment before and after said polymerase chain reaction, whereby an increase in fluorescence intensity is indicative of the presence of said target nucleic acid or

a method for quantifying a target nucleic acid in a sample, comprising the steps of:

amplifying a region of said target nucleic acid by polymerase chain reaction method in the presence of a fluorescent

pigment whose fluorescence intensity is increased upon intercalation into a double-stranded nucleic acid;

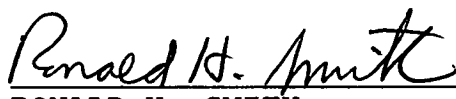
monitoring the fluorescence intensity of said fluorescent pigment during said polymerase chain reaction; and

determining the quantity of said target nucleic acid in said sample.

The claims of the parties which correspond to this count are:

RHS Higuchi ~~X~~: Claims 2, 3, 7, 8, 10-14, 16-24, 26, 27

Mitoma ~~X~~: Claims 1, 2, 4-22


RONALD H. SMITH
Administrative Patent Judge
(703) 603-3341

RHS/dal